

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

AMERIGAS PROPANE, L.P. )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 THE GAS COMPANY, a Division )  
 of Citizens Utilities Company )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

DOCKET NO. 98-0413

ORDER NO. 19841

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

2002 DEC -4 P 4: 21

RECEIVED

Filed Dec. 4, 2002  
At 8:00 o'clock A .M.

Karen Higashi  
Chief Clerk of the Commission

ATTEST: A True Copy  
KAREN HIGASHI  
Chief Clerk, Public Utilities  
Commission, State of Hawaii.

K. Higashi

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

AMERIGAS PROPANE, L.P.            )  
  )  
                          Complainant,    )  
  )  
                          vs.                )  
  )  
THE GAS COMPANY, a Division    )  
of Citizens Utilities Company)    )  
  )  
                          Respondent.    )  
\_\_\_\_\_ )

Docket No. 98-0413  
Order No. 19841

ORDER

I.

On December 23, 1998, Complainant AMERIGAS PROPANE, L.P., a Delaware limited partnership, doing business as Oahu Gas Company and Maui Gas Service, filed a formal complaint with the commission against Respondent THE GAS COMPANY, a Division of Citizens Utilities Company. AmeriGas Propane, L.P., alleges that The Gas Company (fka Gasco Inc.) has failed to comply with a certain condition set forth in Decision and Order No. 15899, filed on September 10, 1997, in Docket No. 97-0035.<sup>1</sup>

By Order No. 16776, filed on January 7, 1999, the commission directed The Gas Company to file its response to the complaint. On January 28, 1999, The Gas Company filed its answer, "denying that it has in any way failed to comply with the Commission's Decision and Order No. 15899[.]"

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<sup>1</sup>In Docket No. 97-0035, the commission approved the sale and merger of Gasco Inc. with Citizens Utilities Company.

By letter filed on November 25, 2002, AmeriGas Propane, L.P. seeks to withdraw, without prejudice, its complaint against The Gas Company. AmeriGas Propane, L.P. explains that with the recent sale of Kauai Electric to the Kauai Island Utility Coop., the electric and gas utilities on the island of Kauai are once again owned by separate entities.

The commission will approve the withdrawal, and will dismiss, without prejudice, the subject complaint.

II.

THE COMMISSION ORDERS:

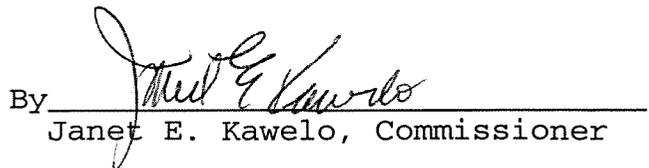
1. The withdrawal, filed on November 25, 2002, of AmeriGas Propane, L.P.'s complaint, is approved. The complaint against The Gas Company is dismissed, without prejudice.

2. This docket is closed.

DONE at Honolulu, Hawaii this 4th day of December , 2002.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Wayne H. Kimura, Chairman

By   
Janet E. Kawelo, Commissioner

APPROVED AS TO FORM:

  
Kris N. Nakagawa  
Commission Counsel

By \_\_\_\_\_ (RECUSED)  
Gregg J. Kinkley, Commissioner

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No.19841 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

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DIVISION OF CONSUMER ADVOCACY  
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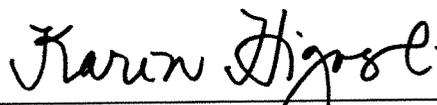
JIM R. YATES  
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CERTIFICATE OF SERVICE - Continued

JOSEF D. COOPER, ESQ.  
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655 Montgomery Street, Suite 1799  
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\_\_\_\_\_  
Karen Higashi

DATED: December 4, 2002